IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPELA Nos. 1010 of 2004 & 1011 of 2004

AND

WRIT PETITION Nos.19038, 19078, 19079 & 19080/1994

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WRIT APPEAL No: 1010 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP No: 8286 OF 1992 on the file of the High Court.)

Between:

Sugar Mazdoor Union, Nizamabad Cooperative Sugar Factory Ltd., Nizamabad, rep., by its Secretary
K.Rai Kumar.

..... APPELLANT

(Respondent No.2)

AND

1 The Nizamabad Cooperative Sugar Factory Ltd., Nizamabad rep., by its Managing Director
2 The Authority under Payment of Wages Act/Asst. Commissioner of Labour, Nizamabad.

.....RESPONDENTS

Counsel for the Appellant: MR.M.RAJAMALLA REDDY

Counsel for the Respondent No.1: MR.V.SRINIVAS

Counsel for the Respondent No.2: GP FOR LABOUR

WRIT APPEAL No: 1011 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 6553 OF 1992 on the file of the High Court.)

Between:

Sugar Mazdoor Union, Nizamabad Co-operative Sugar Factory Ltd, Nizamabad, rep. by its Secretary, K, Ravi Kumar.

..... APPELLANT

AND

1 The Nizamabad Cooperative Sugar Factory Ltd, Nizamabad, rep. by its Managing Director.
2 The Authority Under Payment of Wages Act/ Asst. Commissioner of Labour, Nizamabad.

.....RESPONDENTS

Counsel for the Appellant: MR.M.RAJAMALLA REDDY

Counsel for the Respondent No.1: None appeared

Counsel for the Respondent No.2: GP FOR LABOUR

WRIT PETITION No: 19038 of 1994

Between:

Nizamabad Co-operative Sugar Factory Ltd.,

Nizamabad, rep., by its Managing Director.

..... PETITIONER

AND

1. The Additional District Judge, Nizamabad.

2 The Authority under the Payment of Wages act cum Asst. Commissioner of Labour, Nizamabad.
3 Registered Trade Union Sugar Mazdoor Union, Rep. by Secretary C.Laxman, Nizamabad Cooperative Sugar Factory Ltd., Sarangapoor, Nizamanbad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of certiorari or any other appropriate Writ, Order, Direction or directions and to quash the order of the 1st respondent in C.M.A.13/1991 dt. 7-9-1994 Where by the order of the 2nd respondent in P.W. Case No.15/89 has been confirmed.

Counsel for the Petitioner: MR.V.SRINIVAS

Counsel for the Respondent No.2: GP FOR LABOUR

WRIT PETITION No: 19078 of 1994

Between:

Nizamabad Co-operative Sugar Factory Ltd., rep.by it's Managing Director, Nizamabad.

..... PETITIONER

AND

1 The Additional District Judge, Nizamabad.
2 The Authority under the Payment of Wages act cum Asst. Commissioner of Labour, Nizamabad.
3 Registered Trade Union Sugar Mazdoor Union, Rep. by Secretary C.Laxman, Nizamabad Cooperative Sugar Factory Ltd., Sarangapoor, Nizamanbad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of certiorari or any other appropriate Writ, Order, Direction or directions

and to quash the order of the 1st respondent in C.M.A.12/1991 dt. 7-9-1994 Where by the order of the 2nd respondent in P.W. Case No.16/89 has been confirmed.

Counsel for the Petitioner: MR.V.SRINIVAS

Counsel for the Respondent Nos.2 & 3: GP FOR LABOUR

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WRIT PETITION NO : 19079 of 1994

Between:

Nizamabad Co-operative Sugar Factory Ltd., rep.by it's Managing Director, Nizamabad.

..... PETITIONER

AND

1 The Additional District Judge, Nizamabad.
2 The Authority Under the payment of Wages Act cum Asst Commissioner of Labour Nizamabad.
3 Registered Trade Union Sagar Mazdoor Union, rep.by it's Secretary C.Laxman, Nizamabad Co-Operative Sugar Factory Ltd., Sarangapoor, Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate writ order, direction or directions and to quash the order of the 1st respondent in C.M.A.10/1991 dt.7.9.1994 whereby the order of the 2nd respondent in P.W. Case No.13/89 has been confirmed.

Counsel for the Petitioner: MR.V.SRINIVAS

Counsel for the Respondent Nos.2 & 3: GP FOR LABOUR

WRIT PETITION No: 19080 of 1994

Between:

Nizamabad Co-operative Sugar Factory Its, rep.by it's Mangaing Director, Nizamabad.

..... PETITIONER

AND

1 The Additional District Judge, Nizamabad.
2 The Authority Under the payment of wages Act Cum Asst. Commissioner of Labour, Nizamabad.
3 Registered Trade Union, Sugar Mazdoor Union Nizamabad Cooperative Sugar Factory Ltd.,
Rep. by it's Secretary S.Janardhan Reddy. Sarangapoor,
Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ more in the nature of a Writ of Certiorari or any other appropriate Writ, order, direction or directions and to quash the order of the 1st respondent in C.M.A.No.11/1991 dt.7-9-1994 where by the order of the 2nd respondent in P.W. Case No.14/1989 has been confirmed.

Counsel for the Petitioner: MR.V.SRINIVAS

Counsel for the Respondent Nos.2 & 3: GP FOR LABOUR

The Court made the following:

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ORAL COMMON ORDER: (BY GB,J.)

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All the Writ Appeals and Writ Petitions can be disposed of by a common order. While the Writ Petitions are filed by the Management aggrieved by the orders of authority under Payment of Wages Act as confirmed by the appellant authority, the Writ Appeals are filed against the orders passed by the learned Single Judge allowing the writ petitions filed by the workmen holding that the authority has no jurisdiction to adjudicate the claim under Section 15 of the Payment of Wages Act (for short 'the Act').

2. The prime question that calls for consideration is whether the applications filed by the workmen are maintainable under Section 15 of the Act.

3. Though the actual point falls under a narrow compass, considerable time has elapsed in giving a final shape to these matters.

4. Be that as it may, the issue that arises for consideration is whether the authority has got power to award the wages on the principle of equal pay for equal work. Basically the authority allowed the claim on that principle, which in our opinion is not appropriate nor applicable while dealing with the matters under the Act, but at the same time it cannot be the end of the matter. The authority is required to consider the claim with reference to the terms of employment and also with reference to the applicability of the Sugar Wage Board and also the settlement entered into between the Management and the workmen from time to time in respect of the workers concerned industry. Under those circumstances, we are of the considered view that the matter requires reconsideration in the hands of the authority under the Act.

5. Accordingly, the order of the learned Single Judge and the orders of authority under P.W. Act are set aside and the matters are remitted back to the original authority for fresh consideration. The authority shall issue notices to the parties concerned and decide the claim on merits with reference to the definition contained in the Act, in respect of expression “wages”, keeping in view the applicability of the Sugar Wage Board recommendation and also the settlements entered into between the management and workmen or any orders of Government concerning the payment of wages to the workmen concerned under these writ petitions. This exercise shall be done within a period of two months from the date of receipt of a copy of this order.

6. It is also open for the parties to raise all the points, which are available to them under law. If the Management has deposited any amount in pursuance of the various interim directions, the said amount shall continue to be in deposit subject to the final

outcome before the authority under the Act.

7. With the above observation, the Writ Petitions and Writ Appeals are disposed of. No costs.

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(G. BIKSHAPATHY, J.)

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(P.S. NARAYANA, J.)

Date: 22-11-2004

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To

1. The Secretary, K.Rai Kumar, Sugar Mazdoor Union, Nizamabad Cooperative Sugar Factory Ltd., Nizamabad,

2 The Managing Director, Nizamabad Cooperative Sugar Factory Ltd., Nizamabad.
3 The Authority under Payment of Wages Act/Asst. Commissioner of Labour, Nizamabad.

4 The Additional District Judge, Nizamabad.
5 The Authority Under the payment of wages Act Cum Asst. Commissioner of Labour, Nizamabad.
6 The Secretary, S.Janardhan Reddy. Sarangapoor,
Nizamabad, Registered Trade Union, Sugar Mazdoor Union Nizamabad Cooperative Sugar Factory Ltd.
7. 2 CCs to the G.P. for Labour, High Court of A.P., Hyderabad, (OUT).

8. 2 CD copies.